

Exhibit C

PLAINTIFF'S EXHIBIT LIST
AS OF MARCH 30, 2018 – 7:58 PM

CASE CAPTION: Frederick F. Fagal, Jr. v.
Marywood University

CASE NUMBER: 3:14-cv-02404-ARC

MIDDLE DISTRICT OF PENNSYLVANIA

JUDGE: A. Richard Caputo

PTF	DESCRIPTION OF OBJECT OR ITEM	IDENTIFIED	EVIDENCE	RULING	WITNESS ON STAND
1	Amended Complaint (Jan. 15, 2015)				
2	Defendant's Answer to Plaintiff's Amended Complaint and Affirmative and Other Defenses (June 30, 2015)				
7	"Contractual Agreements with Faculty Members" policy (Feb. 18, 2011)				
16	DVD: Downfall (Constantin Film AG 2004)				
17	Finlo Rohrer, <u>The rise, rise and rise of the Downfall Hitler parody</u> , BBC New Magazine (Apr. 13, 2010 10:59 GMT)				
18	<u>Hitler Downfall parodies: 25 worth watching</u> , The Telegraph (Oct. 6, 2009 7:00 AM BST)				

PTF	DESCRIPTION OF OBJECT OR ITEM	IDENTIFIED	EVIDENCE	RULING	WITNESS ON STAND
19	Daniel A. Gross, <u>Führer Humor: The Art of the Nazi Comedy</u> , The Atlantic (Dec. 20, 2015)				
20	Paul Boutin, <u>Video Mad Libs with the Right Software</u> , N.Y. Times (Feb. 24, 2010)				
21	Virginia Heffernan, <u>The Hitler Meme</u> , N.Y. Times (Oct. 24, 2008)				
22	Dylan Sanborn, <u>Goodell (Hitler) Reacts to the Patriots Week 7 Victory Against the Steelers</u> , YouTube (Oct. 25, 2016), https://youtu.be/_cmsegbYKtk				
23	Jamnospam, <u>Real Estate Downfall</u> , YouTube (Nov. 3, 2008), https://youtu.be/bNmcf4Y3IGM				
24	Save NY Schools, <u>High Stakes Standardized Testing in New York....the DOWNFALL !</u> , YouTube (Sept. 4, 2013), https://youtu.be/OvKVkitKOgk				
25	"Progressive Discipline" policy (May 7, 2014)				
26	Letter from Jonathan Z. Cohen to Sr. Anne Munley (Feb. 2, 2012) (DEF000192-DEF000196)				

PTF	DESCRIPTION OF OBJECT OR ITEM	IDENTIFIED	EVIDENCE	RULING	WITNESS ON STAND
29	Correspondence from Sr. Gail Cabral to Sr. Anne Munley (Feb. 27, 2012) (DEF000241)				
31	Email from Frederick F. Fagal, Jr. to Sr. Gail Cabral (Feb. 22, 2012) (FFF000126-FFF000128)				
35	Plaintiff's First Set of Interrogatories Directed to Defendant (June 22, 2016)				
36	Letter from Stephanie J. Peet to Jonathan Z. Cohen (Sept. 1, 2016)				
37	Letter of Agreement (May 10, 2010) (FFF000432)				
41	Letter from Jonathan Z. Cohen to William J. Anthony (Feb. 17, 2012) (FFF001686-FFF001693)				
42	Email from Helen M. Bittel to Patricia E. Dunleavy (May 18, 2012 4:03 PM) (DEF001749-DEF001751)				
43	"Minutes. Ad Hoc Meeting #2. May 17, 2012. 2-4p" (DEF000322-DEF000323)				
44	Policy titled "Employment At-will Relationship with Administrators and Staff" (Feb. 24, 2006) (FFF001199-FFF001200)				

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45	Policy titled "Non-reappointment of Faculty Member" (July 1, 2003) (FFF001445-FFF001446)				
46	Policy titled "Violent Acts and Threats" (Apr. 29, 2011) (FFF001460-FFF001461)				
48	"Talking Points for Meeting (my checklist)" (DEF002898-DEF002899)				
54	Email from Patricia E. Dunleavy to Sr. Anne Munley (July 18, 2012) (DEF002781-DEF002782)				
55	Letter from Jonathan Z. Cohen to William J. Anthony (Feb. 17, 2012) (FFF000155-FFF000157)				
56	Letter from Jonathan Z. Cohen to William J. Anthony (Feb. 28, 2012) (FFF001748)				
58	Email from Barbara McNally to Alan M. Levine (Apr. 2, 2012) (DEF002380)				
59	Letter from Jonathan Z. Cohen to William J. Anthony (Apr. 4, 2012) (FFF000155-FFF000157)				
62	Email from Helen M. Bittel to Patricia E. Dunleavy (July 10, 2012) (DEF003732-DEF003734)				

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63	Kristin K. Kucsma, M.A. & Stephen B. Levinson, Ph.D., <u>An Appraisal of Economic Loss to Frederick F. Fagal, Jr.</u> (Nov. 2, 2016) ¹				
64	“Authority of the Board of Trustees” Policy Statement (Jan. 23, 1999)				
65	“Delegation to the President” Policy Statement (Jan. 23, 1999)				
70	“Institutional Property Policy” Policy Statement (Apr. 7, 2000)				
71	“Deadly Weapons and Fireworks” Policy Statement (Apr. 29, 2011)				
72	Objections & Answers to Defendant’s First Set of Interrogatories to Plaintiff (Nov. 20, 2015)				
74	Email from Edward J. O’Brien to Jean O’Brien (Jan. 13, 2012 10:15 PM) (DEF003079-DEF003080)				
75	Email from Edward J. O’Brien to Donald Myers (Jan. 14, 2012 4:10 PM) (DEF002978-DEF002980)				

¹ If the Court wants this exhibit publicly filed, we will replace it with a copy that redacts certain dates of birth.

PTF	DESCRIPTION OF OBJECT OR ITEM	IDENTIFIED	EVIDENCE	RULING	WITNESS ON STAND
80	Email from Frederick F. Fagal, Jr. to Helen M. Bittel, Edward J. O'Brien, and Mathew R. Povse, including attachment (July 6, 2012) (DEF001494-DEF001496)				
81	"Faculty Grievance Committee Meeting" (June 19, 2012) (DEF001510-DEF001512)				
82	Email from Helen M. Bittel to Sr. Anne Munley, including attachment (July 5, 2012 6:29 PM) (DEF001585-DEF001590)				
83	Email from Mathew R. Povse to Sr. Anne Munley (June 25, 2012 4:20 PM) (DEF000393)				
84	Email from Helen M. Bittel to Mathew R. Povse and Edward J. O'Brien, including attachment (June 26, 2012 12:24 PM) (DEF001370-DEF001375)				
86	"Talking points re Fagal's videos" (DEF000149)				
87	Email from Helen M. Bittel to Erin A. Sadlack (May 17, 2012) (DEF000317)				

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88	Letter from William J. Anthony to Jonathan Z. Cohen (Apr. 26, 2012) (FFF001697-FFF001698)				
89	"Faculty Senate Minutes, McGowan Room 1059, 3:00-4:40 PM, January 11, 2013" (FFF001966-FFF001991)				
90	Letter from William J. Anthony to Jonathan Z. Cohen (Feb. 28, 2012) (FFF000143-FFF000154)				
91	Board Action – Meeting of April 23, 1993 (Apr. 26, 1993) (FFF000193)				
92	Agreement and Appointment for Full-Time Faculty (FFF000192)				
93	Agreement and Appointment for Full-Time Faculty (May 10, 1993) (FFF000194)				
94	Agreement and Appointment for Full-Time Faculty (May 10, 1994) (FFF000195)				
95	Marywood University Tenured Faculty Letter of Agreement (May 8, 2009) (FFF000433)				
96	Marywood University Tenured Faculty Letter of Agreement (May 9, 2008) (FFF000434)				

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97	Marywood University Tenured Faculty Letter of Agreement (May 10, 2007) (FFF000435)				
98	Marywood University Tenured Faculty Letter of Agreement (May 10, 2006) (FFF000439)				
99	Marywood University Tenured Faculty Letter of Agreement (May 10, 2005) (FFF000440)				
100	Marywood University Tenured Faculty Letter of Agreement (May 10, 2004) (FFF000441)				
101	Marywood University Tenured Faculty Letter of Agreement (May 9, 2003) (FFF000448)				
102	Marywood University Tenured Faculty Letter of Agreement (May 10, 2001) (FFF000452)				
103	Marywood University Tenured Faculty Letter of Agreement (May 10, 2000) (FFF000456)				
104	Marywood University Tenured Faculty Letter of Agreement (May 10, 1999) (FFF000461)				

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105	Marywood University Tenured Faculty Letter of Agreement (May 10, 2008) (FFF000465)				
106	Agreement and Appointment for Full-Time Faculty (May 10, 1997) (FFF000468)				
107	Agreement and Appointment for Full-Time Faculty (May 10, 1996) (FFF000468)				
108	Agreement and Appointment for Full-Time Faculty (May 10, 1996) (FFF000472)				
109	Agreement and Appointment for Full-Time Faculty (May 10, 1995) (FFF000474)				
110	"Political Activity of Faculty Members" policy (July 1, 2003) (FFF001449-FFF001450)				
111	"Retirement or Resignation of Faculty Member" policy (Feb. 19, 2011) (FFF001458-FFF001459)				
112	"Revision of Progressive Discipline Policy" (FFF002011-FFF002016)				
113	Emails from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 1 (FFF002184-FFF002371)				

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114	Emails from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 2 (FFF002421-FFF002457)				
115	Email from Alan M. Levine to Sr. Anne Munley (Nov. 28, 2011) (DEF002703-DEF002706)				
117	Email from Joseph X. Garvey, Jr. to Alan M. Levine (Jan. 17, 2012 2:48 PM) (DEF002747-DEF002749)				
119	“Minutes for Ad Hoc Committee Meeting #1” (May 11, 2012) (DEF001508-DEF001509)				
123	Email from Mathew R. Povse to Patricia E. Dunleavy (June 29, 2012) (DEF003245)				
127	Letter from Jonathan Z. Cohen to William J. Anthony (Apr. 19, 2012) (FFF001752)				
128	List of 19 “Downfall” parodies on YouTube				
129	Excerpts of the 19 “Downfall” parodies listed in Exhibit 128				
130	Letter from Frederick F. Fagal to Cazenovia College (Nov. 18, 2016) (FFF002458-FFF002459)				

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131	Resume of Frederick F. Fagal, Jr. (FFF002460-FFF002462)				
133	“Faculty Positions to begin Fall Semester 2017,” https://chroniclevitae.com/jobs/000033636601? cid=ja (printed Nov. 14, 2016)				
135	Email from Frederick F. Fagal to Cazenovia College (Nov. 18, 2016) (FFF002636)				
136	Emails from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 3 (FFF002652-FFF002697)				
137	Email from SUNY Oswego to Frederick F. Fagal, Jr. (May 7, 2017) (FFF002735)				
138	Resume of Frederick F. Fagal, Jr. (FFF002736-FFF002737)				
139	“Visiting Assistant Professor of Economics Vitae,” https://chroniclevitae.com/jobs/000036688701? cid=ja (Apr. 28, 2017) (FFF002851-FFF002855)				

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142	"Thank You," https://oswego.interviewexchange.com/thankyou.jsp?MUL_DOCS=MUL_DOC S (May 7, 2017) (FFF002879)				
143	Email from SUNY Oswego to Frederick F. Fagal, Jr. (May 26, 2017) (FFF002884)				
144	Email from SUNY Oswego to Frederick F. Fagal, Jr. (June 20, 2017) (FFF002885)				
145	Emails from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 4 (FFF002984- FFF003098)				
146	Emails from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 5 (FFF003099-FFF003122)				
147	Emails from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 6 (FFF003123-FFF003124)				
148	Emails from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 7 (FFF003125-FFF003126)				
149	Emails from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 8 (FFF003127-FFF003128)				

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150	Email from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 9 (FFF003129-FFF003130)				
151	Email from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 10 (FFF003131-FFF003133)				
152	Email from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 11 (FFF003134-FFF003135)				
153	Email from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 12 (FFF003136-FFF003137)				
154	Email from the Chronicle of Higher Education to Frederick F. Fagal, Jr. – Part 13 (FFF003138-FFF003139)				
155	Defendant's Reply Brief in Support of its Motion to Dismiss Plaintiff's Complaint (Apr. 9, 2015)				
156	Joint Case Management Plan (Sept. 17, 2015)				
157	Rachel Looker & Satara Dickey, "Former tenured professor files lawsuit against university," <i>The Wood Word</i> (Feb. 22, 2015)				

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158	"Policy Format Marywood University," http://www.marywood.edu/policy/policy-format.html (viewed Mar. 30, 2018)				